

July 17, 2007 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0346

New Cingular Wireless PCS, LLC

Bermuda Magisterial District
North line of Ruffin Mill Road

REQUEST: Conditional Use to permit a communications tower in General Business (C-5) and General Industrial (I-2) Districts.

PROPOSED LAND USE:

A 195-foot communications tower with accessory equipment is planned.

RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposal conforms to the Public Facilities Plan and Tower Siting Policy.
- B. The Ordinance minimizes the possibility of any adverse impact on the County Communications System or the County Airport.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS.)

CONDITIONS

- 1. There shall be no signs permitted to identify this use. (P)
- 2. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of

the base of the tower and accessory ground-mounted equipment or structures from adjacent properties. A detailed plan depicting these requirements shall be submitted to the Planning Department for approval in conjunction with final site plan review. (P)

3. The color and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. The tower shall not be lighted.
 - c. The tower shall be a monopole structure (P)
4. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

GENERAL INFORMATION

Location:

North line of Ruffin Mill Road, east of Route 95. Tax IDs 805-638-Part of 7523; 806-638-Part of 0723; and 806-640-Part of 0310.

Existing Zoning:

C-5 and I-2

Size:

12.5 acres

Existing Land Use:

Commercial and vacant

Adjacent Zoning and Land Use:

North – I-2; Vacant

South – I-2 and C-5; Commercial, industrial or vacant

East – I-1 Industrial or vacant

West – C-5; Commercial or vacant

UTILITIES; PUBLIC FACILITIES; AND TRANSPORTATION

This use will have no impact on these facilities.

ENVIRONMENTAL

Drainage and Erosion:

In the construction of the proposed communications tower, if more than 2500 square feet of land is disturbed, a land disturbance permit must be obtained from the Department of Environmental Engineering.

COUNTY COMMUNICATIONS

The Zoning Ordinance requires that any structure over eighty (80) feet in height be reviewed by the County's Public Safety Review Team for potential detrimental impacts the structure could have on the County's Radio Communications System microwave paths. This determination must be made prior to construction of the communications tower.

COUNTY AIRPORT

A preliminary review of this proposal indicates that, given the approximate location and elevation of the proposed installation, there will be no adverse affect on the County Airport.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Consolidated Eastern Area Plan which suggests the property is appropriate for general commercial use.

The Public Facilities Plan, an element of the Comprehensive Plan, suggests that communications towers should be located so as to minimize impacts on existing and future areas of development and to minimize locations adjacent to planned or existing residential development. Further, the Public Facilities Plan provides that communications towers should be located and designed to be compatible with the character of the area.

Area Development Trends:

Surrounding properties are zoned General Commercial (C-5), Light Industrial (I-1) and General Industrial (I-2) are occupied by commercial and industrial uses or are vacant. It is anticipated that commercial uses will continue in the area as suggested by the Plan.

Use:

Communications towers are allowed as a restricted use in General Commercial (C-5) and General Industrial (I-2) Districts provided, among other restrictions the tower is

collocated on an electrical transmission structure. If these restrictions cannot be met, then the use may be allowed through the Conditional Use process. In this instance, a freestanding tower is proposed.

Site Development:

The request property lies within an Emerging Growth Area. The Zoning Ordinance specifically addresses access, landscaping, architectural treatment, setbacks, buffers, parking, signs, utilities and screening. The purpose of the Emerging Growth District standards is to promote high quality, well-designed projects. Development of the request property will be subject to these standards except as conditioned herein.

The Conditional Use process provides a means of addressing ways to minimize the possibility of any adverse impact of a tower on existing and planned areas of development. The Tower Siting Policy suggests, where towers are to be located in the vicinity of existing or planned areas of development, the tower should be located as remotely as possible from these areas.

The applicant proposes to erect a 195 foot communications tower. Consistent with past actions on similar facilities, the base of the tower should be secured with a fence to discourage trespassing and evergreen plantings should be installed to minimize views of the tower base and associated equipment (Condition 2). In addition, to minimize the visual impact on area development, the communications tower should be gray or another neutral color, a monopole design and should not be lighted (Condition 3).

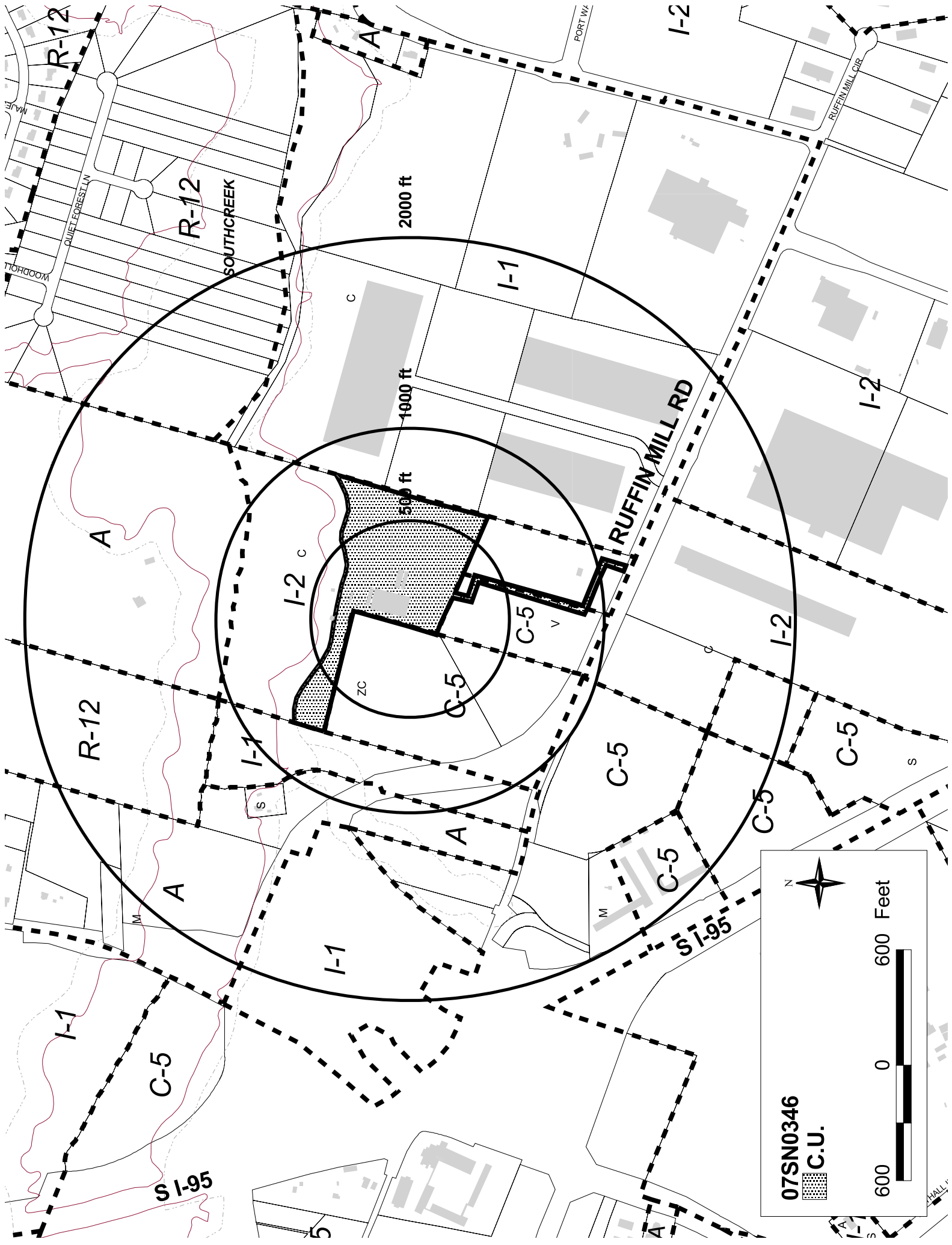
Consistent with past actions on similar facilities and to ensure that the tower does not become a maintenance problem or an eyesore, the tower should be removed at such time that it ceases to be used for communications purposes. (Condition 4)

CONCLUSION

The proposal conforms to the Public Facilities Plan which suggests that communications towers should be located to minimize the impact on existing or future areas of development. In addition, the Plan encourages locating such facilities in industrial or remote areas so as to minimize impacts on existing and future area development. As previously noted, the site is within an area of existing commercial and industrial development. The Tower Siting Policy suggests towers should be located away from existing or planned areas of residential, recreational or similar types of development.

As conditioned, the visual impact of the proposed tower on surrounding areas will be minimized. The Ordinance minimizes the possibility of any adverse impact on the County Communications System or the County Airport

Given these considerations, approval of this request is recommended.



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